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PTO/SB/21 (08-03)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/643,386
Filing Date	August 18, 2003
First Named Inventor	Paul C. Wacker
Art Unit	3744
Examiner Name	Marc E. Norman
Attorney Docket Number	H0005399US(1161.1124101)

Total Number of Pages in This Submission

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> Communication Resending Information Disclosure Statement Return Postcard received from PTO acknowledging receipt of subject application and corresponding Express Mail Label Previously submitted Information Disclosure Statement, postcard, transmittal, Form PTO 1449 and copies of 15 non-US patent references Return Postcard		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John G. Shudy, Jr., Reg. No. 38,638
Signature	
Date	August 3, 2004

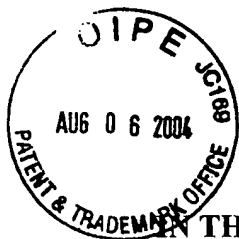
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Lynn Thompson		
Signature		Date	August 3, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul C. Wacker et al. Confirmation No.: 3629  
Serial No.: 10/643,386 Examiner: Marc E. Norman  
Filing Date: August 18, 2003 Group Art: 3744  
For: PDA CONFIGURATION OF THERMOSTATS  
Docket No.: H0005399US(1161.1124101)

**COMMUNICATION RESENDING INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE UNDER 37 C.F.R. 1.8:** I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 3rd day of August, 2004.

By:

John G. Shudy, Jr.

Dear Sir:

The applicants received a postcard (copy attached) acknowledging receipt of the subject patent application which indicated the application was assigned USPTO Patent Application Serial No. 10/643,395. Also attached is a copy of the USPS Express Mail receipt with the same Express Mail Label No., EV315608895US, as that on the postcard. Thus, an Information Disclosure Statement was sent using serial number 10/643,395. An office action mailed to the applicants had an application serial number 10/643,386, different from the serial number on the postcard. A recent inquiry to the Examiner indicated that the previously filed information disclosure statement was not received. Therefore, a copy of that Information Disclosure Statement is enclosed in this communication.

Respectfully submitted,

Dated:

8/3/04

John G. Shudy, Jr., Reg. No. 31,214  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2402  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul C. Wacker et al.

Serial No.: 10/643,395

Examiner: unknown

Filing Date: August 18, 2003

Group Art: unknown

For: PDA CONFIGURATION OF THERMOSTATS

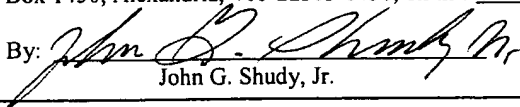
Docket No.: H0005399 H0005442(1161.1124101)

TRANSMITTAL SHEET

Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

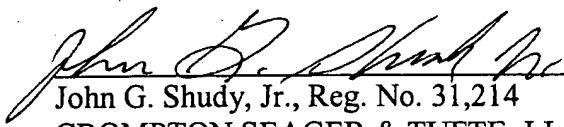
**CERTIFICATE UNDER 37 C.F.R. 1.8:** I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 9th day of January, 2004.

By:

  
John G. Shudy, Jr.

We are transmitting herewith the attached:

- ☒ Information Disclosure Statement, Form PTO-1449 and 15 cited non-US patent references.
- ☒ Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413.

  
John G. Shudy, Jr., Reg. No. 31,214  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Telephone: (612) 677-9050  
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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Paul C. Wacker et al.

Serial No.: 10/643,395

Examiner: unknown

Filing Date: August 18, 2003

Group Art: unknown

For: PDA CONFIGURATION OF THERMOSTATS

Docket No.: H0005399 H0005442(1161.1124101)

**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. §1.97(b))**

Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE UNDER 37 C.F.R. 1.8:** I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 9th day of January, 2004.

By:

  
John G. Shudy, Jr.

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F. R. §1.98(a)(2), a copy of each non-US patent document or other information listed on the enclosed Form 1449 is provided.

No representation is intended to be made hereby that any of the cited references establishes, by itself or in combination with other information, a prima facie case of unpatentability of any claim of the present case.

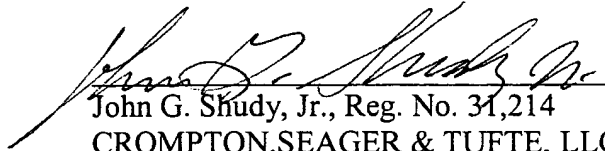
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Respectfully submitted,

Paul C. Wacker et al.

By their attorney,

Date: 1-9-04



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John G. Shudy, Jr., Reg. No. 31,214

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FOR PTO-1449

Atty. Docket No.:  
H0005399  
(1161.1124101)Serial No.:  
10/643,395LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION  
DISCLOSURE STATEMENT

Applicant: Paul C. Wacker et al.

Filing Date:

Group Art:

August 18, 2003

unknown

## U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
	2002/0011923A1	01/31/02	Cunningham et al.	
	2002/0022991A1	02/21/02	Sharood et al.	
	2002/0138184A1	09/26/02	Kipersztok et al.	
	2003/0014179A1	01/16/03	Szukala et al.	
	2003/0033156A1	02/13/03	McCall	
	2003/0033230A1	02/13/03	McCall	
	2003/0074489A1	04/17/03	Steger et al.	
	4,332,352	06/01/82	Jaeger	
	4,337,893	07/06/82	Flanders et al.	
	4,373,664	02/15/83	Barker et al.	
	4,379,483	04/12/83	Farley	
	4,556,169	12/03/85	Zervos	
	4,628,201	12/09/86	Schmitt	
	4,646,964	03/03/87	Parker et al.	
	5,172,565	12/22/92	Wruck et al	
	5,404,934	04/11/95	Carlson et al.	
	5,732,691	03/31/98	Maiello et al.	
	5,915,473	06/29/99	Ganesh et al.	
	6,104,963	08/15/00	Cebasek et al.	
	6,119,125	09/12/00	Gloudeman et al.	
	6,141,595	10/31/00	Gloudeman et al.	
	6,149,065	11/21/00	White et al.	
	6,154,681	11/28/00	Drees et al.	
	6,167,316	12/26/00	Gloudeman et al.	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449</b> Page 2 of 3		Atty. Docket No.: H0005399 (1161.1124101)	Serial No.: 10/643,395
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		Applicant: Paul C. Wacker et al.	
		Filing Date:	Group Art:
		August 18, 2003	unknown

Examiner Initial	Document No.	Date	Name	Filing Date If Appropriate
	6,453,687	09/24/02	Sharood et al.	
	6,518,953	02/11/03	Armstrong	
	6,546,419	04/08/03	Humpleman et al.	
	6,556,899	04/29/03	Harvey et al.	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	<a href="http://www.tcsbasys.com/products/superstats.asp">http://www.tcsbasys.com/products/superstats.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1009.asp">http://www.tcsbasys.com/products/sz1009.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 1 page, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1022.asp">http://www.tcsbasys.com/products/sz1022.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1024.asp">http://www.tcsbasys.com/products/sz1024.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1030series.asp">http://www.tcsbasys.com/products/sz1030series.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1031.asp">http://www.tcsbasys.com/products/sz1031.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1033.asp">http://www.tcsbasys.com/products/sz1033.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1035.asp">http://www.tcsbasys.com/products/sz1035.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1017a.asp">http://www.tcsbasys.com/products/sz1017a.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 1 page, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1041.asp">http://www.tcsbasys.com/products/sz1041.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 1 page, printed August 26, 2003.
	<a href="http://www.tcsbasys.com/products/sz1050series.asp">http://www.tcsbasys.com/products/sz1050series.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.

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<b>FORM PTO-1449</b> Page 3 of 3	Atty. Docket No.: H0005399 (1161.1124101)	Serial No.: 10/643,395
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	Applicant: Paul C. Wacker et al.	
	Filing Date:	Group Art:
	August 18, 2003	unknown

		<a href="http://www.tcsbasys.com/products/sz1051.asp">http://www.tcsbasys.com/products/sz1051.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
		<a href="http://www.tcsbasys.com/products/sz1053.asp">http://www.tcsbasys.com/products/sz1053.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
		<a href="http://www.tcsbasys.com/products/sz1020nseries.asp">http://www.tcsbasys.com/products/sz1020nseries.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 2 pages, printed August 26, 2003.
		<a href="http://www.tcabasys.com/products/sz1017n.asp">http://www.tcabasys.com/products/sz1017n.asp</a> , TCS/Basys Controls: Where Buildings Connect With Business, 1 page, printed August 26, 2003.

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